

91



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,455	02/07/2001	Koenraad Reybrouck	1316N001654	3409

7590 04/04/2002
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303

EXAMINER

PEZZLO, BENJAMIN A

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 04/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,455

Applicant(s)

RREYBROUCK ET AL.

Examiner

Benjamin A Pezzlo

Art Unit

3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,16,17,25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7,10-15,18-24 and 27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species I in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claim 1 is objected to because of the following informalities:
line 9, it appears that "path" should be between "flow" and "extending".
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Guzder et al. (US 4356898 provided in the IDS, Paper No. 2).

Guzder et al. disclose a damper (see Fig. 1) including a pressure tube 28 forming a working chamber, a piston 48 disposed within the working chamber, the piston dividing the working chamber into an upper working chamber and a lower working chamber, a first flow path 50 extending through the piston to provide communication between the upper working chamber

and the lower working chamber, a valve body 26 disposed between the working chamber and a fluid chamber 20, and a second flow path 40 extending through the valve body to provide communication between the working chamber and the fluid chamber.

Re claims 2-5, see Fig. 1.

Re claim 6, see valve 54.

Re claim 7, see valve 38.

Re claim 11, see tube 20.

Re claim 12, the valve is attached to pressure 28.

Re claim 13, see Fig. 1.

Re claim 14, see valve 54.

Re claim 15, see valve 38.

5. Claims 1-7, 10-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Margolis et al. (US 4844428).

Margolis et al. disclose a damper including a pressure tube 26 forming a working chamber 25, a piston 28 disposed within the working chamber, the piston dividing the working chamber into an upper working chamber 29 and a lower working chamber 30, a first flow path 34 extending through the piston to provide communication between the upper working chamber and the lower working chamber, a valve body 41 disposed between the working chamber and a fluid chamber 31, and a second flow path 36 extending through the valve body to provide communication between the working chamber and the fluid chamber.

Re claims 2-5, see the Figure.

Re claim 6, see compression valve 33.

Re claim 7, see extension valve 35.

Re claim 10, see flow path 36.

Re claim 11, see tube 39.

Re claim 12, see valve body 41.

Re claim 13, see communication between 36 and 38.

Re claim 14, see compression valve 33.

Re claim 15, see extension valve 35.

Re claim 18, see flow path 36.

6. Claims 1-7, 10-15, 18-24, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Leno et al. (US 6161821).

Leno et al. disclose a damper including a pressure tube 14 forming a working chamber 24, a piston 16 disposed within the working chamber, the piston dividing the working chamber into an upper working chamber and a lower working chamber, a first flow path 34 extending through the piston to provide communication between the upper working chamber and the lower working chamber, a valve body 20 disposed between the working chamber and a fluid chamber I, and a second flow path 34 extending through the valve body to provide communication between the working chamber and the fluid chamber.

Re claim 2, see Figure 1.

Re claim 3, see communication via 30, 28, and through piston 16.

Re claim 4, see Figure 1.

Art Unit: 3613

Re claim 5, see communication via 30, 28, and through piston 16.

Re claim 10, see flow path 34 and col. 2 lines 55-56.

Re claims 11-12, see Fig. 2.

Re claim 13, see communication via 30, 28, and through piston 16.

Re claim 18, see flow path 34 and col. 2 lines 55-56.

Re claim 19, see air spring 6.

Re claim 20, valve body 20.

Re claims 21-22, and 27 see path 42 in Fig. 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7, 14-15, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leno et al. in view of Pees et al. (US 4934667)

Leno et al. do not disclose valve assemblies on the piston to dampen fluid therethrough. Pees et al. disclose such assemblies. It would have been obvious to one of ordinary skill in the art to which the invention pertains at the time the invention was made to have provided valving on the piston of Leno et al. according to the teachings of Margolis et al. in order to provide more controlled damping.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gandiglio et al., Marking, Holley, Miesner, Aikawa et al. ('245 and '035), Bohm et al., Scotto, Cabrerizo-Pariente, Giles, Rohner et al., Wells et al., Clark, Long, Hausmann, Ellis et al., Gubitz, and Korosladanyi et al. disclose related devices.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BAP
March 29, 2002


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800
4/1/02